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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,511	02/15/2006	Per Espen Vik	2403.0010000	6633
26111	7590	12/19/2007	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HO, HA DINH	
		ART UNIT	PAPER NUMBER	
		3681		
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		12/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/540,511	VIK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ha D. Ho	3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) 4-11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This is the first Office Action on the merits of Application No. 10/540,511 filed on 02/15/06. Claims 1-11 are currently pending.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign(s) 18 mentioned in the description (see page 3, line 34). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of using the form and legal phraseology, i.e., "said parking brake". Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities.

- Lacking of section headings.
- Making reference to claims (page 2, lines 28-29).

Appropriate correction is required.

#### ***Claim Objections***

6. Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-11 have not been further treated on the merits.

7. Claim 1 is objected to because of the following informalities:

- In line 2, --system-- should be inserted after "parking brake".
- In line 12, --the-- should be inserted after "of".
- In line 13, --transmission-- should be inserted before "mechanism".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following limitations are insufficient antecedent basis:

- “the brake position” in claim 1, line 5;
- “the mentioned operation” in claim 1, line 6;
- “the ignition system” in claim 1, line 7;
- “the locking pin” in claim 2, line 3;
- “the magnetic field” in claim 3/1, line 2;
- “the locking pin” in claim 3, line 4;
- “the blocking notch” in claim 3, lines 4-5;
- “the release rod” in claim 3, line 5; and
- “the coil” in claim 3/1, line 6.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tannenbaum et al (US 2,789,667).

Tannenbaum et al discloses a device for a parking brake system comprising a brake lever 1 that can reset between an active brake position (Fig. 2) and a neutral position (Fig. 1), a transmission mechanism (5, 6, 8, 9, 10) to make it possible to reset the brake lever from the brake positions depending on an ignition system (lead 25 leads to the ignition system) of the vehicle being activated/turned on, characterised in that a blocking appliance (5, 17, 18) with a blocking peg 5 which is in blocking engagement with the transmission mechanism when the blocking appliance is not supplied with a voltage from the ignition system, and comes out of blocking engagement with the mechanism when a voltage is applied to the appliance.

As to claim 2, wherein the blocking appliance comprises a magnetic field coil 18 which is wound round a locking pin 17, and when the magnetic field coil 18 is applied with a current from the ignition system, a magnetic field is formed that pulls or pushes the pin 17 out from its blocking engagement with the transmission mechanism.

12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Skogward et al (US 5,791,196).

Skogward et al discloses a device for a parking brake system comprising a brake lever 1 that can reset between an active brake position (when lever 1 is latched) and a neutral position (when lever 1 is unlatched), a transmission mechanism (54, 27) to make it possible to reset the brake lever from the brake positions depending on an ignition system (col. 7, 13-16) of the vehicle being activated/turned on, characterised in that a blocking appliance 39 with a blocking peg 80 which is in

blocking engagement with the transmission mechanism when the blocking appliance is not supplied with a voltage from the ignition system, and comes out of blocking engagement with the mechanism when a voltage is applied to the appliance.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skogward et al (US 5,791,196) in view of Dai (US 4,942,949).

Skogward et al shows the blocking appliance 39 comprising a coil 68 wound around a stationary leg 69, a movable member 73 and a spring 79 to urge the member 73 in a latching position, wherein when a current from the ignition system is applied, a magnetic field is formed and the movable member 73 is pulled out from the latching position.

Skogward et al does not show a blocking appliance including a coil wound around a locking pin such that when a current from the ignition system is applied, a magnetic field is formed and the locking pin is pulled out from the latching position.

Dai discloses a parking brake system including a blocking appliance 12 including a coil 125 wound around a movable locking pin 122. When a current from the ignition system is applied, a magnetic field is formed and the movable locking pin 122 is pulled out from the latching position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the blocking appliance of Skogward et al such that a coil is wound around a locking pin which is also the movable member in view of Dai in order to reduce part in the system.

Note that the modified system would have the spring 79 for urging the movable locking pin in the blocking notch (41, 42 or between two legs 43, 44) on the lever 1 since the latching member is belong to the shift lever 1 (col. 4, 55-56)

***Cited Prior Art***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hemphill'261, Haefner'210, and Smale'001 which each shows a parking brake system with an interlock mechanism.

***Communication***

16. Submission of your response by facsimile transmission is encouraged. The fax phone numbers for the organization where this application or proceeding is assigned are **(571) 273-8300**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see M.P.E.P. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check. Responses submitted by facsimile transmission should include a Certificate of Transmission (M.P.E.P.. 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on \_\_\_\_\_

(Date)

Typed or printed name of person signing this certificate:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and M.P.E.P.. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is **571-272-7091**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on **571-272-7095**.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/HDH/  
(571) 272-7091  
December 18, 2007

/Ha D. Ho/  
Primary Examiner, A.U. 3681